

finement in the county jail for a term of not less than thirty days or more than one year."

Amend the bill by striking out Section Eight as written, and by changing the numbers of the remaining sections so that the sections will be numbered in numerical order after number eight has been eliminated.

Amend the caption of the bill by striking therefrom the words "persons convicted of an offense under this act shall not have the benefit of the suspended sentence law."

DEAN, Chairman.

(Floor Report)

Senate Chamber,

Austin, Texas, Sept. 23, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 1, A bill to be entitled "An Act to amend Article 7354, Chapter 1, Title 126, Revised Civil Statutes of Texas, and Article 2942, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2943, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2939, Chapter 4, Title 49, Revised Civil Statutes of Texas. All of said articles relating to the levy and collection of a poll tax and fixing the qualifications of voters be eliminated from the provisions of all of the said articles the word "male" so as to levy and collect from all persons, both male and female, poll taxes, and fixing the qualifications of voters so as to include all persons, both male and female; and providing for the issuance of exemption certificates to persons not subject to the payment of poll tax on January 1st, 1919, of poll taxes on January 1st, 1919, and who obtain such exemption certificates shall be eligible to vote in all elections, general and special, held prior to February 1st, 1921, in this State; prescribing penalties for the violation of any of the provisions of this Act by any tax collectors; providing penalties for all those voting or offering to vote in violation of any of the provisions of this Act; providing that nothing herein shall repeal or affect any of the provisions of Chapter 3 of the General Laws of the First Called Session of the Thirty-sixth Legislature as approved on the 9th day of May,

1919; fixing the venue of suits involving the validity of the provisions of this Act; providing that in the event any provision or section of this Act shall be declared unconstitutional, it shall not affect the remaining provisions or sections of this Act; and declaring an emergency."

Has had said bill under consideration, and I am directed by said committee to report said bill back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by striking out Section 5, as written, and inserting in lieu thereof the following:

"Section 5. All persons who possess the qualifications of a voter under the constitution and laws of this State and of the United States, and who were not subject to the payment of a poll tax on the 1st day of January, 1919, are hereby authorized to participate in all elections, general and special, held throughout the State of Texas prior to February 1st, 1921, by obtaining from the tax collector of the county of which they are residents exemption certificates as hereinafter provided."

DEAN, Chairman.

#### FIFTH DAY.

Senate Chamber,

Austin, Texas,

Monday, Sept. 27, 1920.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

|                     |             |
|---------------------|-------------|
| Alderdice.          | Gibson.     |
| Bailey.             | Hall.       |
| Bledsoe.            | Hertzberg.  |
| Buchanan of Bell.   | Hopkins.    |
| Buchanan of Scurry. | Page.       |
| Caldwell.           | Parr.       |
| Carlock.            | Rector.     |
| Cousins.            | Smith.      |
| Davidson.           | Strickland. |
| Dayton.             | Sulter.     |
| Dean.               | Williford.  |
| Dudley.             | Witt.       |
| Faust.              | Woods.      |
| Floyd.              |             |

Absent.

Dorough.

Absent—Excused.

Clark. Westbrook.  
McNealus.

Prayer by Rev. A. J. Barton.  
Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Smith.

#### Senators Excused.

Senator McNealus was excused for today on account of important business.

Senator Parr was excused for today on account of important business.

Senator Dorrough was excused for today on account of important business.

#### Petitions and Memorials.

See Appendix.

#### Committee Reports.

See Appendix.

#### Message from the Governor.

Miss Houghton, a messenger from the Governor, appeared at the bar of the Senate with the following executive message:

Governor's Office,  
Austin, Texas, Sept. 27, 1920.

To the Thirty-sixth Legislature in Fourth Called Session.

Gentlemen: At the request of the various Representatives interested, I submit for your consideration the following subjects, to-wit:

"An Act to amend the road laws for Dallas and Tarrant counties, etc."

"An Act creating the Hogland Independent School District in Ochiltree County, Texas, etc."

"An Act relating to the protection of wild fowl of the counties of Dimmitt, Uvalde, Medina, Zavalla, Gillespie, Blanco, Llano, Kendall, Kimble, Kerr, Real, Mason, Edward, Menard, Sutton, Crockett and Bandera, and changing the time of open season on such wild birds and fowls, etc., and declaring an emergency."

An Act authorizing the owner or owners of an oil and gas permit here-

tofore issued by the State of Texas covering University land, who individually or in conjunction with holders of other University land, has or have performed certain development work thereunder to designate what is to be known as a University land oil and gas area to consist of one or more, not exceeding six, blocks of University land; providing for the extension of permits covering the lands included in such area for five years from the date thereof or from the average date of the combination of such permits; providing that the commencement and completion of the development work now required thereon may be commenced and completed respectively at any time before the expiration of such permits or combination of permits as hereby extended; providing for the issuance of leases on the lands covered by such permits if oil or gas in commercial quantities is discovered thereon during the life of such permit; and declaring an emergency."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

#### Bills and Resolutions.

By Senator Carlock.

S. B. No. 10, A Bill to be entitled, "An Act to amend S. B. No. 92, passed at the Third Called Session of the Thirty-sixth Legislature, entitled, 'An Act to establish a system of public roads and bridges for Tarrant County, and to empower the Commissioners' Court thereof to provide rules and regulations therefor and a system for the construction of such roads and bridges, the maintenance and repair thereof, and to condemn private property for such purposes; to constitute each commissioner ex-officio commissioner of the public roads and bridges of the precinct and to prescribe the powers and duties of the county commissioners; to authorize and regulate the issuance and sale of the bonds under this Act, and to provide the form of indebtedness and for the levy of taxes for such purposes; and to allow the issuance of bonds for the purpose of refunding any bonded or other indebtedness heretofore or hereafter incurred by said county; to regulate the expenditure of moneys arising from the sale of such bonds and from the levy of taxes for roads and bridge purposes;

to designate and define certain cardinal roads in the county; to provide for the selection of a county engineer and for the employment of a consulting engineer and to empower the Commissioners Court to make such contracts with respect to the construction, maintenance or repair of roads and bridges that may be necessary and to employ the convicts on said roads and to provide for the compensation of the commissioners for the performance of their duties under the terms of this Act and to prescribe penalties for the violation of this Act and repealing all laws in conflict with the provisions hereof, and declaring an emergency'."

By adding Section 27-a thereto so as to enable the county to advance moneys, under proper safeguards and security on the purchase of materials for the construction of roads and the maintenance and repair thereof, and to enter into contracts for such purposes, and to lease, where necessary, railway cars for the delivery of such road building material to the place or places where same is to be used, and repealing all laws in conflict therewith, and declaring an emergency.

Read first time and referred to Committee on Roads and Bridges.

By Senator Dudley.

S. B. No. 11, A Bill to be entitled, "An Act authorizing the owner of an oil and gas permit heretofore issued by the State of Texas covering University land, who individually or in conjunction with holders of other University land has or have performed certain development work thereunder to designate what is to be known as a University land oil and gas area to consist of one or more not exceeding six blocks of University land; providing for the extension of permits covering the lands included in such area for five years from date thereof or from the average date of a combination of such permits; providing that the commencement and completion of the development work now required thereon may be commenced and completed respectively at any time before the expiration of such permits or combination of permits as hereby extended; providing for the issuance of leases on the lands covered by such permits if oil or gas in commercial quantities is discovered thereon during the life of such permit; repealing all acts and parts of acts in conflict herewith, and declaring an emergency.

Read first time and referred to Committee on Mining and Irrigation.

### Senate Concurrent Resolution No. 3.

Senator Dayton sent up Senate Concurrent Resolution No. 3, providing for sine die adjournment Saturday, September 2, 1920.

On the motion of Senator Dayton the resolution was laid on the table subject to call.

### Simple Resolution No. 7.

Senator Dayton sent up the following resolution:

By Senators Dayton and Caldwell.  
Senate Resolution No. 7.

Whereas, on the 24th day of September A. D. 1920, the American Legion of Travis Post No. 76, Department of Texas, convened in meeting and by resolution passed the following:

"We do hereby go on record as being opposed to the following statement: 'There are hundreds of men in the ranks of organized labor who are willing to make the supreme sacrifice to protect the rights the proposed bill (meaning Governor Hobby's Port bill) attempts to invade'."

And further by resolution resolved to reaffirm their loyalty to the Government and to answer the call with their services to enforce any and all laws of the State of Texas, and of the United States should the Chief Executive deem such call necessary.

Be it Resolved, by the Senate of Texas, That we very much appreciate the Americanism displayed by these resolutions. We heartily commend these Americans and point to their example of patriotism, justice, pride and loyalty as a guide to future generations of Texas; and we herewith tender our sincere thanks of appreciation to said Post.

The resolution was read and adopted.

### Simple Resolution No. 8.

Senator Smith sent up the following resolution.

By Senators Smith and Cousins.

Simple Resolution No. 8.

Whereas Judge C. L. Brachfield

of Henderson, Texas, a former distinguished member of this body, is in the city,

Therefore be it Resolved, That Judge Brachfield be given the privileges of the floor while in the city and that he be invited to address this body.

The resolution was read and adopted.

Senators Smith, Hopkins, and Floyd were appointed as a committee to escort the gentleman to the platform.

#### Simple Resolution No. 6.

Unanimous consent was granted to take up the following simple resolution from the Committee on Federal Relations:

Simple Resolution No. 1, inviting the members of the Mexican government to visit the Dallas fair.

Senator Strickland sent up the following substitute for it:

#### Substitute for Simple Resolution No. 6.

Whereas, Conditions are now better in Mexico than at any time since the rule of President Diaz, and the lives and property rights of foreigners are being protected; and

Whereas, The business men of Mexico have accepted the invitation to place an exhibit at the State Fair at Dallas, and we are informed that no expense is being spared in order to show the great resources of our sister Republic; and

Whereas, The Dallas News of September 23rd reports that Mexico's two most distinguished citizens and statesmen, President De La Huerta and General Obregon, will visit the Dallas Fair, on or about October the 8th; therefore, be it

Resolved, That the Senate of Texas invite President De La Huerta and General Obregon, members of their Cabinet, and Chamber of Deputies, and the Governors of the various Mexican States to visit the Dallas Fair and Waco Cotton Palace so that we may get better acquainted in a personal and commercial way. Be it further

Resolved, That Mexican merchants, stockmen and planters be also invited to see our great display of merchan-

dise, our most modern farm implements and motor vehicles and the finest bred sheep, goats, cattle and hogs in the world.

STRICKLAND.  
DUDLEY.  
WITT.

The substitute was read and adopted.

#### Simple Resolution No. 9.

Senator Caldwell sent up Simple Resolution No. 9:

Whereas, At the Third Called Session of the Thirty-sixth Legislature S. B. No. 61 was passed and approved by the Governor, becoming effective on September 16, 1920, directing the disposition of funds received from the lease of certain public lands for oil and gas, and

Whereas, Said bill transfers the revenue from certain public lands from the general revenues to the Game, Fish and Oyster fund; and

Whereas, It was not the intention of the authors of such bill to transfer such funds; and

Whereas, The transfer of such revenues to such fund precludes their use by the State for a year or more; therefore, be it

Resolved, That the Governor be requested to submit Section 17, of Chapter 83, of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature for amendment in order that such funds as are now credited to the Game, Fish and Oyster fund may be transferred to the general revenue or to the available school fund.

CALDWELL.  
DEAN.  
SUITER.

The resolution was read and adopted.

#### Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, Sept. 27, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 4, A bill to be entitled "An Act authorizing cities of one hundred thousand population, or more, situated along or upon navigable streams in the State of Texas and owning and operating municipal wharves, docks or warehouses, for the development of commerce, to appoint pilot boards for their respective cities, and granting such cities exclusive jurisdiction over the pilotage of boats between the Gulf of Mexico and their respective ports; prescribing the qualifications for such pilot boards; granting such city councils or boards of commissioners the right, power and authority to retain in office, or remove any branch or deputy pilots in the office at the time this Act takes effect, and to appoint, suspend or remove from office any or all branch or deputy pilots, prohibiting any member of such pilot boards from being directly or indirectly interested in the towing business, or in any pilot boat, or in any other business directly or indirectly affected by or connected with his duties as such commissioner of pilots, granting such cities the right, power and authority to fix rates of pilotage and all needful regulations thereof compatible with Federal regulations within the limits of their respective ports; and declaring an emergency."

Respectfully submitted,

NOEL K. BROWN,  
Chief Clerk House of Representatives.

### Bill Referred.

After its caption was read the Chair referred H. B. No. 4 to the Committee on Civil Jurisprudence.

### Senate Bill No. 1.

The Chair laid before the Senate on the calendar,

S. B. No. 1, A bill to be entitled "An Act to amend Article 7354, Chapter 1, Title 126, Revised Civil Statutes of Texas, and Article 2942, Chapter 4, Title 29, Revised Civil Statutes of Texas, and Article 2943, Chapter 4, Title 49, Revised Civil Statutes of Texas, and Article 2939, Chapter 4, Title 49, Revised Civil Statutes of Texas. All of said Articles relating to the levy and collection of a poll tax and fixing the qualifications of voters be eliminated from the provisions of all of the

said Articles the word "Male" so as to levy and collect from all persons, both male and female, poll taxes, and fixing the qualifications of voters so as to include all persons, both male and female; and providing for the issuance of exemption certificates to persons not subject to the payment of poll tax on January 1st, 1919, and who obtain such exemption certificates shall be eligible to vote in all elections, general and special, held during the remainder of the year 1920; providing penalties for the violation of any of the provisions of this Act, etc.; fixing the venue of suits involving the validity of the provisions of this act, etc., and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was read.

Senator Caldwell sent up the following amendment to the committee amendment.

Amend committee amendment to Senate Bill No. 1, by inserting, p. 11, line 8, after the figures "1919" the following, "and who reside in a city of 10,000 inhabitants as shown by the U. S. Census of 1920."

On the motion of Senator Dean, the amendment was tabled by the following vote:

Yeas—20.

|                     |             |
|---------------------|-------------|
| Alderdice.          | Gibson.     |
| Bledsoe.            | Hertzberg.  |
| Buchanan of Bell.   | Hopkins.    |
| Buchanan of Scurry. | Page.       |
| Carlock.            | Rector.     |
| Cousins.            | Smith.      |
| Davidson.           | Strickland. |
| Dayton.             | Williford.  |
| Dean.               | Witt.       |
| Floyd.              | Woods.      |

Nays—7.

|           |         |
|-----------|---------|
| Bailey.   | Hall.   |
| Caldwell. | Parr.   |
| Dudley.   | Suiter. |
| Faust.    |         |

Absent—Excused.

|          |            |
|----------|------------|
| Clark.   | McNealus.  |
| Dorough. | Westbrook. |

The committee report was adopted.  
The bill was ordered read section by section.

Senator Caldwell sent up the following amendment to Section 1:

Insert, line 5, before "There" the following: "Cert. 7354."

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to Section 1:

Amend Senate Bill No. 1, Section 1, line 8, by striking out "and," insert "or."

The amendment was read and adopted.

Senator Rector sent up the following amendment to Section 1:

Amend the bill by striking out Section 1.

#### Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives, Austin, Texas, September 27, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Concurrent Resolution:

H. C. R. No. 2, Relating to application of East Texas Railway Co. for authority to remove its tracks, etc.

Respectfully submitted,

NOEL K. BROWN,

Chief Clerk, House of Representatives.

#### House Concurrent Resolution No. 2.

The Chair laid before the Senate House Concurrent Resolution No. 2, relating to proposed abandonment and sale of the East Texas Railway.

The resolution was read and adopted.

#### Senate Bill No. 1.

On the motion of Senator Dayton, the amendment of Senator Rector was tabled.

#### Recess.

On the motion of Senator Gibson, the Senate at 12 o'clock a. m. recessed until 2:30 this afternoon.

#### Afternoon Session.

The Senate was called to order at 2:30 p. m., by Lieutenant Governor Johnson, pursuant recess.

#### Senate Bill No. 1.

Senator Williford sent up the following amendment to Section 2:

Amend Section 2 of the bill, page 2, line 16 by striking out the word "The" and substituting "A" therefor, and by striking out the words in said line "required by the Constitution and laws in force."

The amendment was read and adopted.

Senator Dean sent up the following amendment:

Amend the bill by inserting at the beginning of line 16, page 2, and as a part thereof, the following: "Art. 2942."

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to Section 3:

Amend Senate Bill, Section 3, page 2, line 30. Strike out "and" where it first appears, insert "or."

The amendment was read and adopted.

#### Message from the House.

A messenger from the House presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives, Austin, Texas, September 27, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 1, Providing for sine die adjournment of the Fourth Called Session of the Thirty-sixth Legislature at 12 o'clock Saturday, October 2, 1920.

Respectfully submitted,

NOEL K. BROWN,

Chief Clerk, House of Representatives.

#### Senate Bill No. 1.

Senator Caldwell sent up the following amendment to Section 3:

Amend S. B. No. 1, Section 3, Page 2, Line 29, by inserting before the words "Every person" the following, "Article 2943."

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to Section 4:

Amend Senate Bill No. 1, Section 4, Page 3, Line 5, by inserting before "Every person" the following, "Article 2939."

The amendment was read and adopted.

Senator Caldwell sent up the following amendment to Section 4:

Amend Senate Bill No. 1, Section 4, Page 3, by striking out line 32, the words mislaid or inadvertently left at home.

The amendment was read and on the motion of Senator Suiter was tabled.

Senator Suiter sent up the following amendment to Section 5:

Amend Senate Bill No. 1, page 11, by changing period at end of Section 5 to a semi-colon and add the following: And provided further that if any such person shall have paid a poll tax between the dates of October 1, 1919, and February 1, 1920, said poll tax receipt shall take the place of and have the same effect as the exemption receipt provided for by this Act.

The amendment was read and adopted.

Senator Dean sent up the following amendment to Section 8:

Amend Senate Bill No. 1, Section 8, Page 4, Line 28, by striking out the word "receipt" and substituting the word "certificate."

The amendment was read and adopted.

Senator Witt sent up the following amendment to Section 9:

Amend Senate Bill No. 1, Section 9, Page 5, Line 13, by striking out the word "party" and inserting the word "person."

The amendment was read and adopted.

Senator Gibson sent up the following amendment to Section 10:

Amend Senate Bill No. 1 by inserting after the word "is" in line 28 the words "over 21 and under 60."

The amendment was read.

Senator Parr moved to table the amendment. The yeas and nays were demanded and the motion to table carried by the following vote:

Yeas—16.

|                     |             |
|---------------------|-------------|
| Alderdice.          | Faust.      |
| Bailey.             | Floyd.      |
| Buchanan of Bell.   | Hall.       |
| Buchanan of Scurry. | Hertzberg.  |
| Cousins.            | Hopkins.    |
| Davidson.           | Parr.       |
| Dayton.             | Strickland. |
| Dean.               | Suiter.     |

Nays—9.

|           |            |
|-----------|------------|
| Caldwell. | Rector.    |
| Carlock.  | Williford. |
| Dudley.   | Witt.      |
| Gibson.   | Woods.     |
| Page.     |            |

Absent.

Bledsoe.

Absent—Excused.

|           |            |
|-----------|------------|
| Dorough.  | Westbrook. |
| McNealus. |            |

Pair Recorded.

Senator Clark, (absent), who would vote "Yea;" Senator Smith (present), who would vote "Nay."

Senator Bailey sent up the following amendment to Section 11:

Amend Senate Bill No. 1, Section 11, by striking out all of Section 11 and inserting in lieu thereof the following:

Section 11. All persons applying for exemption certificate hereunder shall pay to the Tax Collector of their respective Counties One Dollar and Seventy Five Cents (\$1.75). One Dollar of which shall be for the benefit of the Public Free Schools, Fifty Cents for General State revenue, and Twenty Five Cents for general county purposes.

The amendment was read.

Senator Gibson sent up the following substitute to the amendment:

Amend the Bill, Page 6, as follows:

Strike out Section 11 and insert in lieu thereof the following:

All persons applying for exemption certificates hereunder shall pay to the tax collector of their respective counties fifteen cents for each certificate, which amount shall be retained by the tax collector as a fee for signing and making duplicates of the exemption certificates, and need not be accounted for as are other fees of office. Each applicant for exemption certificate hereunder, unless physically disabled, shall make out and sign said certificate in person.

The substitute was read and on the motion of Senator Dayton was tabled by the following vote:

Yeas—23.

|                     |            |
|---------------------|------------|
| Alderdice.          | Floyd.     |
| Bailey.             | Hall.      |
| Bledsoe.            | Hertzberg. |
| Buchanan of Bell.   | Hopkins.   |
| Buchanan of Scurry. | Page.      |
| Carlock.            | Parr.      |
| Cousins.            | Rector.    |

|           |            |
|-----------|------------|
| Davidson. | Suiter.    |
| Dayton.   | Williford. |
| Dean.     | Witt.      |
| Dudley.   | Woods.     |
| Faust.    |            |

Nays—2.

|           |         |
|-----------|---------|
| Caldwell. | Gibson. |
|-----------|---------|

Absent.

|        |             |
|--------|-------------|
| Smith. | Strickland. |
|--------|-------------|

Absent—Excused.

|          |            |
|----------|------------|
| Clark.   | McNealus.  |
| Dorough. | Westbrook. |

**Message from the Governor.**

Miss Houghton, a messenger from the Governor, appeared at the bar of the Senate with the following executive message:

Governor's Office,  
Austin, Texas, September 26, 1920.  
To the Thirty-sixth Legislature in  
Fourth Called Session:

Gentlemen: At the request of the Senate as contained in a resolution adopted today, I submit for your consideration the following subject, to-wit:

"An Act to amend Section 17, of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, etc."

Respectfully submitted,  
W. P. HOBBY,  
Governor.

**Senate Bill No. 1.**

Senator Suiter sent up the following substitute to the amendment of Senator Bailey:

Amend Senate Bill No. 1, page 6, by striking out the words, "fifteen cents," line 12, and all thereafter to the end of Section 11, and insert in lieu thereof the following: "Twenty-five cents for each certificate, which sum shall be deposited by the tax collector in the county treasury to the credit of the general fund, and for his services in collecting said fee and issuing such certificate the tax collector shall be paid the sum of five cents for each such certificate issued, which amount shall be paid by order of the commissioners court in the same manner as tax collectors' fees for issuing poll tax receipts are now paid."

The substitute was read and on the motion of Senator Dayton was tabled.

Senator Dayton moved to table the amendment of Senator Bailey. The ayes and nays were demanded, and the amendment was tabled by the following vote:

Yeas—19.

|            |                     |
|------------|---------------------|
| Alderdice. | Buchanan of Bell.   |
| Bledsoe.   | Buchanan of Scurry. |
| Carlock.   | Hopkins.            |
| Davidson.  | Page.               |
| Dayton.    | Rector.             |
| Dean.      | Suiter.             |
| Dudley.    | Williford.          |
| Floyd.     | Witt.               |
| Gibson.    | Woods.              |
| Hertzberg. |                     |

Nays—6.

|           |        |
|-----------|--------|
| Bailey.   | Faust. |
| Caldwell. | Hall.  |
| Cousins.  | Parr.  |

Absent.

|        |             |
|--------|-------------|
| Smith. | Strickland. |
|--------|-------------|

Absent—Excused.

|          |            |
|----------|------------|
| Clark.   | McNealus.  |
| Dorough. | Westbrook. |

**Telegram from Galveston.**

Senator Hall sent up a telegram from Galveston and asked that it be printed in the Journal.

Senator Dean objected.

Senator Hall moved to print the telegram in the Journal.

Senator Dean moved to table the motion. The ayes and nays were demanded, and the motion to table failed by the following vote:

Yeas—5.

|            |            |
|------------|------------|
| Dayton.    | Rector.    |
| Dean.      | Williford. |
| Hertzberg. |            |

Nays—17.

|                     |          |
|---------------------|----------|
| Alderdice.          | Hall.    |
| Bledsoe.            | Hopkins. |
| Buchanan of Scurry. | Page.    |
| Caldwell.           | Parr.    |
| Carlock.            | Smith.   |
| Cousins.            | Suiter.  |
| Davidson.           | Witt.    |
| Dudley.             | Woods.   |
| Floyd.              |          |

Present—Not Voting.

Buchanan of Bell.



Absent.

Bailey. Gibson.  
Faust. Strickland.

Absent—Excused.

Clark. McNealus.  
Dorough. Westbrook.

The telegram, on the motion of Senator Hall, was ordered printed in the Journal.

See appendix.

#### Senate Bill No. 1.

Senator Rector sent up the following amendment to Section 11:

Amend Section 11 by substituting for this section, "No person applying for exemption certificate hereunder shall be required to pay anything for the procuring of exemption certificate, but same shall be issued to them without charge."

The amendment was read and failed to pass.

Senator Woods sent up the following amendment to Section 13:

Amend Section 13 of Senate Bill No. 1, as follows:

Add to Section 13, between lines 29 and 30, page 6, the following:

"The tax collector shall, by public notice, designate certain convenient dates and public places in his county, at which times and places he or a deputy tax collector shall be present for the purpose of issuing exemption certificates to those entitled thereto, applying therefor.

The amendment was read and adopted.

Senator Woods sent up the following amendment to Section 14:

Amend Section 14 of Senate Bill No. 1 by striking out the word "certificate," line 7, page 7, and insert in lieu thereof the word "certified."

The amendment was read and adopted.

Senator Dayton sent up the following amendment to Section 19:

Amend Senate Bill No. 1, in line 6, page 9, printed bill, by striking out all after words and figures "1st, 1921."

The amendment was read and adopted.

Senator Dean sent up the following amendment to Section 19:

Amend the bill by changing the period to a semicolon at the end of Section 19, and by adding to said Section 19, as a part thereof, the following:

But all such persons holding poll tax receipts issued prior to February 1, 1920, for the poll tax owing for the year 1919, or holding exemption certificates, or who were not required to obtain exemption certificates under the laws in force in this State on the 1st day of February, 1920, shall be permitted to vote in all elections, general and special, held in this State prior to February 1, 1921."

The amendment was read and adopted.

Senator Dean sent up the following amendment to Section 20:

Amend the bill by striking out Section 20 and substituting therefor the following:

"If any election officer within this State shall permit any person to vote, without the production of a poll tax receipt or exemption certificate, where such exemption certificate is required under the provisions of this act, or under any provision of the election laws of this State, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, or by confinement in the county jail for not less than twenty days or more than ninety days, or by both such fine and imprisonment.

The amendment was read and adopted.

Senator Bailey sent up the following amendment to Section 21:

Amend the bill by striking out all of Section 21, and numbering the following section so as to follow consecutively, and amend the caption by striking out in lines 27 and 28, page 1 of the bill, the words "fixing the venue of suits involving the validity of the provisions of this Act."

The amendment was read.

Senator Dean sent up the following substitute for Senator Bailey's amendment:

Amend the bill by striking out Section 21 thereof as written and substituting therefor the following.

"The several District Courts of

Travis County are hereby invested with exclusive jurisdiction in all civil cases involving the validity or constitutionality of any of the provisions of this act, and the venue of all such suits is hereby laid and vested in the District Courts of Travis County alone."

The substitute was read and adopted.

The amendment as substituted was adopted.

Senator Caldwell sent up the following amendment:

Amend Senate Bill No. 1, by striking out sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, and renumbering the remaining sections accordingly.

The amendment was read.

Senator Dayton moved to table the amendment. The yeas and nays were demanded and the motion to table prevailed by the following vote:

Yeas—18.

|                     |            |
|---------------------|------------|
| Alderdice.          | Floyd.     |
| Bledsoe.            | Gibson.    |
| Buchanan of Bell.   | Hertzberg. |
| Buchanan of Scurry. | Hopkins.   |
| Carlock.            | Page.      |
| Cousins.            | Suiter.    |
| Davidson.           | Williford. |
| Dayton.             | Witt.      |
| Dean.               | Woods.     |

Nays—5.

|           |         |
|-----------|---------|
| Bailey.   | Parr.   |
| Caldwell. | Rector. |
| Dudley.   |         |

Absent.

|        |             |
|--------|-------------|
| Faust. | Strickland. |
| Hall.  |             |

Absent—Excused.

|           |            |
|-----------|------------|
| Dorough.  | Westbrook. |
| McNealus. |            |

Pair Recorded.

Senator Smith (present), who would vote "Yea;" Senator Clark (absent), who would vote "Nay."

Senator Hopkins sent up the following amendment:

Amend Senate Bill No. 1 by adding after Section 4 a new section, as follows:

Section 5. That Articles 2949 and 2950 of the Revised Civil Statutes of the State of Texas of 1911 be amend-

ed so as hereafter to read as follows:

Article 2949. Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued the payment of the tax, age, race, the length of time such person has resided in the State, the length of time such person has resided in the county, the voting precinct in which he or she lives, except when he or she lives in an unorganized county, his or her occupation, his or her post office address, or if he or she lives in an incorporated city, the ward, street and number of his residence if numbered, and the length of time he or she has resided in such city or town; and in addition thereto it shall show the party affiliation, if any, of such person, and no person shall be permitted to vote or to participate in the primary election or convention of any party unless the poll tax receipt shall show such person to be affiliated with such party.

Article 2950. The poll tax receipt shall be in the following form, and numbered consecutively in each book provided for in this title:

Poll Tax Receipt.

No.....  
State of Texas, County of.....  
Received of.....on the  
....day of....., A. D. 19...  
the sum of.....dollars, in payment of poll tax for the year A. D. 19...  
The said taxpayer being duly sworn by me, says that ..he is.....years old, that h.. or ..he resides in voting precinct No.....in.....county, that h.... race is..... that ..he has resided in Texas..... years, and in.....county.....years, that ..he is by occupation..... that h... postoffice address is.....; that ..he affiliates with.....party.

(If in an incorporated city or town, a blank must be provided for the ward, street and number of residence, in lieu of post office address.)

All of which I certify.

(Signed) .....  
Tax Collector.....County, Texas.

And by renumbering the other sections to correspond.

The amendment was read and on the motion of Senator Dayton was tabled by the following vote:

Yeas—14.

|            |         |
|------------|---------|
| Alderdice. | Dean.   |
| Bledsoe.   | Dudley. |

Buchanan of Bell. Gibson.  
 Buchanan of Scurry. Hertzberg.  
 Carlock. Rector.  
 Davidson. Suiter.  
 Dayton. Woods.

Nays—9.

Bailey. Floyd.  
 Caldwell. Hopkins.  
 Cousins. Page.  
 Parr. Witt.  
 Williford.

Absent.

Faust. Smith.  
 Hall. Strickland.

Absent—Excused.

Clark. McNealus.  
 Dorrough. Westbrook.

Senator Dean sent up the following amendment:

Amend Senate Bill No. 1, Section 5, Page 11, Line 5, by inserting after the word "persons" the following, "who are citizens of this State and"

The amendment was read and adopted.

The bill was ordered engrossed by the following vote:

Yeas—20.

Alderdice. Floyd.  
 Bledsoe. Gibson.  
 Buchanan of Bell. Hertzberg.  
 Buchanan of Scurry. Hopkins.  
 Carlock. Page.  
 Davidson. Suiter.  
 Dayton. Williford.  
 Dean. Witt.  
 Dudley. Woods.

Nays—4.

Bailey. Parr.  
 Caldwell. Rector.

Present—Not Voting.

Cousins.

Absent.

Faust. Strickland.  
 Hall.

Absent—Excused.

Dorrough. Westbrook.  
 McNealus.

Pair Recorded.

Senator Smith (present), who would vote "Yea;" Senator Clark (absent), who would vote "Nay."

# **House Concurrent Resolution No. 1.**

After its caption was read the Chair referred H. C. R. No. 1 to the Committee on Rules.

## **Senate Bill No. 1.**

Senator Caldwell moved to suspend the constitutional rule requiring bills to be read on three several days. The motion failed by the following vote:

Yeas—6.

Alderdice. Cousins.  
 Buchanan of Bell. Dudley.  
 Caldwell. Parr.

Nays—8.

Buchanan of Scurry. Hopkins.  
 Davidson. Suiter.  
 Dayton. Witt.  
 Floyd. Woods.

Present—Not Voting.

Bailey. Hertzberg.  
 Bledsoe. Page.  
 Dean. Rector.  
 Gibson. Williford.

Absent.

Carlock. Smith.  
 Faust. Strickland.  
 Hall.

Absent—Excused.

Clark. McNealus.  
 Dorrough. Westbrook.

## **Bill Introduced.**

Unanimous consent was granted to send up,

By Buchanan of Scurry:

S. B. No. 12, A bill to be entitled "An Act to amend Chapter 58, of an Act of the Third Called Session of the Thirty-sixth Legislature, approved June 19, 1920, the same being An Act to amend Section 17 of Chapter 83 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fifth Legislature, so as to provide that all proceeds heretofore and hereafter paid and collected arising from activities under such Act affecting lands be-

longing to the University of Texas except the royalties as provided in said Act, shall be credited to the available fund of such institution, and shall be held by the Board of Regents of said institution in a special building fund, and shall be expended by them only for the erection of buildings or other permanent improvements; and to provide that all royalties collected or paid under such Act arising from lands belonging to the University of Texas shall be credited to the permanent fund of such institution, and that payments on other areas be credited to the available school fund and repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Mining and Irrigation.

#### Simple Resolution No. 10.

Unanimous consent was granted to send up Simple Resolution No. 10.

By Buchanan of Bell.

Whereas, the people of Texas and of the entire United States have benefited immeasurably through the administration of our country by a Democratic President; and

Whereas, the great Democratic party has outlined a platform of progressive measures for the benefit of our people during the ensuing four years; and

Whereas, it is necessary to secure these benefits that Cox and Roosevelt, the Democratic nominees, be elected; and

Whereas, to make their election possible an extensive campaign of education is necessary, entailing great expenses,

Therefore be it Resolved, That we call upon all loyal Democrats of Texas to assist in making this fight, and to contribute liberally to the Democratic National Campaign Fund.

The resolution was read and adopted.

#### Adjournment.

The Senate at 5:30 p. m., on the motion of Senator Dayton, adjourned until tomorrow morning at 10 o'clock.

#### APPENDIX.

##### Petitions.

##### Galveston Telegram.

Galveston, Texas, September 27, 1920.  
Hon. W. L. Hall,

Senate, Austin, Texas.

The Board of Commissioners of the City of Galveston earnestly request and invite an exhaustive and impartial investigation by the Legislature into conditions at Galveston prior and subsequent to the declaration of martial law. The city and its citizenship have been grossly misrepresented by propaganda of special interests and people of the State ought to be informed of the facts.

Board of Commissioners.

Telegrams urging the defeat of the proposed Port Bill from local unions of the following cities: four from Temple; four from Marshall; Taylor; Somerville.

##### Committee Reports.

Committee Room,

Austin, Texas, Sept. 27, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Mining, Irrigation and Drainage, to whom was referred Senate Bill No. 11, beg leave to state that we have examined said bill, and report it back with the recommendation that it do pass.

DUDLEY, Chairman.

(Floor Report)

Senate Chamber,

Austin, Texas, Sept. 27, 1920.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to amend Senate Bill No. 92, passed at the Third Called Session of the Thirty-sixth Legislature, etc.,"

Has had same under consideration and begs leave to report it back to the Senate with the recommendation that it do pass and that it be not printed.

Respectfully submitted,

WOODS.

CARLOCK.

CALDWELL.

WILLIFORD.

STRICKLAND.

## (Floor Report)

Senate Chamber,  
Austin, Texas, Sept. 27, 1920.  
Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred House Bill No. 4, has had the same under consideration and I am directed by said committee to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

DEAN, Chairman.

**SIXTH DAY.**

Senate Chamber,  
Austin, Texas.

Tuesday, September 28, 1920.

The Senate met at 10 o'clock a. m., pursuant to adjournment and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

|                     |             |
|---------------------|-------------|
| Alderdice.          | Gibson.     |
| Bailey.             | Hertzberg.  |
| Bledsoe.            | Honkins.    |
| Buchanan of Bell.   | McNealus.   |
| Buchanan of Scurry. | Page.       |
| Carlock.            | Parr.       |
| Cousins.            | Rector.     |
| Davidson.           | Smith.      |
| Dayton.             | Strickland. |
| Dean.               | Suiter.     |
| Dudley.             | Williford.  |
| Faust.              | Witt.       |
| Floyd.              | Woods.      |

Absent.

Caldwell. Hall.  
Dorough.

Absent—Excused.

Clark. Westbrook.

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

**Petitions and Memorials.**

See Appendix.

**Committee Reports.**

See Appendix.

**Bills and Resolutions.**

By Senator Smith:

S. B. No. 13, A bill to be entitled "An Act creating the Laneyville Independent School District of Rusk County; defining its boundaries; vesting it with the rights, powers, duties, and privileges of districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

**Senators Excused.**

Senators Bailey and Hall were excused today on account of important business.

**Simple Resolution No. 11**

Senator Dayton sent up the following simple resolution:

Whereas, the Hon. Jas. N. Browning of Amarillo, former Lieutenant Governor of Texas and President of this Senate, is now in the City,

Therefore Be It Resolved, That he be extended the privilege of the floor of the Senate and that he be invited to address the Senate.

BLEDSON,  
CALDWELL,  
DUDLEY,  
DAVIDSON,  
HERTZBERG,  
DAYTON.

The Chair appointed Senators Dayton, Bledsoe, and Buchanan of Scurry to escort the gentleman to the platform.

**Ex-Lieutenant Governor Browning's Address.**

Ex-Lieutenant Governor James N. Browning addressed the Senate in response to the resolution.

**Senate Bill No. 1.**

The Chair laid before the Senate on final passage

S. B. No. 1, A bill to be entitled "An Act to amend Article 7354, Chapter 1, Title 126, Revised Civil Statutes of Texas, and Article 2942, Chapter 4, Title 29, Revised Civil